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November 7, 2023

**Via ECF**

Honorable Sarah Netburn  
United States Magistrate Judge

Re: *In re Terrorist Attacks on September 11, 2001*,  
MDL No. 03-MDL-1570 (GBD) (SN)  
*Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977

Your Honor:

I write in response to Your Honor's Order dated November 6, 2023 (MDL ECF# 9412) (footnote omitted):

The Ashton-Dickey plaintiffs recently filed an "Amended Motion for Final Judgments Against the Taliban." ECF No. 9406. It is unclear what motion this filing intended to amend or replace. The Court requests that counsel file a letter by November 13, 2023, identifying the underlying motion and, if appropriate, withdrawing it.

The prior motion for default judgment damages filed against the Taliban and Omar Defendants by the *Ashton-Dickey* Plaintiffs (MDL ECF#8386) *was denied* by Judge Daniels in a Memorandum Order & Decision dated March 30, 2023 (MDL ECF#8973): "The Clerk of Court is directed to close the open motions (ECF Nos. . . . 8386 . . . 02-cv-06977. . . )." Decision at 11. The *Ashton-Dickey* Plaintiffs' motion was denied "with leave to refile." Decision at 1. Your Honor thereafter issued an Order (October 12) clarifying further what details should be included in a Taliban default judgment motion.

As explained in my Declaration dated November 2, 2023, in paragraph 1, my office filed the amended motion for a default judgment on behalf of the *Ashton-Dickey* Plaintiffs "*to ensure compliance with this Court's Orders dated July 11, 2022 (ECF No. 8198) and October 12, 2023 (ECF No. 9373).*" Declaration of John F. Schutty, Esq. dated November 2, 2023 (emphasis in original).

The amended motion for a default judgment filed against the Taliban by the *Ashton-Dickey* Plaintiffs (November 2, 2023 - MDL ECF#9406) was and is intended to comply with all prior Orders of this Court following the denial of their prior motion by Judge Daniels (MDL ECF#8973 – copy attached as Exhibit A).

Sincerely yours,

*John F. Schutty*